

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES IN AND FOR
STATE OF UTAH

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In the Matter of the Approval of :
the Notice of Intent and Recla- :
mation Plan Submitted by Co-Op : INTERVENORS' POSITION
Mining Company : STATEMENT, OBJECTING TO
APPROVAL OF CO-OP MINING PERMIT

HUNTINGTON CITY, a municipal :
corporation, CASTLE VALLEY SPECIAL :
SERVICE DISTRICT, a body politic :
and corporate. :

Intervenors. : Cause No. ACT-015-025

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COME NOW Intervenors, by and through their attorneys Scott Johansen of JOHANSEN and THORPE, and Mack V. Bunderson, and respectfully present to the Board their position concerning the tentative approval of the mining permit of Co-Op Mining Company, objections thereto, all as hereinafter set forth:

1. Huntington City, hereafter City, owns and maintains springs in the general area of the proposed mine development by Co-Op Mining Company from which springs the City receives culinary water.

2. Castle Valley Special Service District, through contract with Huntington City, maintains and operates the City's water treatment plant and the City's culinary water system.

3. Because of the quality of the water coming from said springs, only minimal treatment of said water is required. The full treatment process which is required for river water in order to provide culinary water to the residents of Huntington City is not necessary. The spring water need only be chlorinated.

4. In a normal year, the City relies on the above springs for a significant portion of its culinary water supply. During portions of the year 40 per cent of the culinary water consumption of the City comes from said springs. During other portions of a normal year as much as 67 per cent of the culinary water supply of the City comes from said springs. Because the City water treatment plant has experienced major malfunctions, and is not now in service, approximately 40 per cent of the culinary water supply to the City is provided by said springs.

5. The Co-Op Mining Company proposes to develop a mine in the area above said springs. It is uncertain whether these mining activities will cross underground water courses currently feeding said springs, or whether explosions and other mining activities could otherwise interfere with said springs or alter the underground course of the water feeding said springs.

6. Section 40-10-11(2) Utah Code Annotated, 1953, as amended requires that no permit shall be approved unless the division of oil, gas and mining is shown that no material damage to the hydrologic balance will be caused, or unless it is shown that the quantity and quality of water in surface or underground water systems will not be materially damaged.

7. Pursuant to Section 40-8-22 Utah Code Annotated, 1953, as amended the division of oil, gas and mining shall cooperate with local governmental bodies to further the purposes of said Act, which purposes include the preservation of water quality standards and the public safety and welfare.

8. Section 40-10-18(2)(i) Utah Code Annotated, 1953, as amended requires underground coal mine operators to minimize disturbance of prevailing hydrologic balances.

WHEREFORE, Intervenor prays as follows:

1. That the Board delay granting a permit to the Co-Op Mining Company to mine in the area which is the subject of the above numbered application until and unless the Co-Op Mining Company and the City reach an agreement protecting the City's culinary water supply.

2. Such further relief as the Board may deem proper.

DATED this 21st day of May, 1980.

JOHANSEN and THORPE
Attorneys for Intervenor,
HUNTINGTON CITY

By Scott Johansen
Scott Johansen

MACK V. BUNDERSON, Attorney at Law
Attorney for Intervenor, CASTLE
VALLEY SPECIAL SERVICE DISTRICT

Mack V. Bunderson

VERIFICATION

STATE OF UTAH)
 ss.
County of Emery)

Scott Johansen, upon being first duly sworn, deposes and says that he is the attorney for the Intervenor, HUNTINGTON CITY, named in the foregoing Intervenor's Position Statement, Objecting to Approval of Co-Op Mining Permit, that he has read and is familiar with the same and that the statements set forth therein

are correct and true except as to matters therein based on information and belief, and as to such matters he believes them to be true.

Scott Johansen
Scott Johansen

Subscribed and sworn to before me this 21st day of May, 1980.

Patricia Radeke
Notary Public

My Commission Expires:

February 15, 1984

Residing at Orangemills, Utah

STATE OF UTAH)
 ss.
County of Emery)

Mack V. Bunderson, upon being first duly sworn, deposes and says that he is the attorney for the Intervenor, CASTLE VALLEY SPECIAL SERVICE DISTRICT, named in the foregoing Intervenor's Position Statement, and Objecting to Approval of Co-Op Mining Permit, that he has read and is familiar with the same and that the statements set forth therein are correct and true except as to matter therein based on information and belief, and as to such matters he believes them to be true.

Mack V. Bunderson
Mack V. Bunderson

Subscribed and sworn to before me this 21st day of May, 1980.

Patricia Radeke
Notary Public

My Commission Expires:

February 15, 1984

Residing at Orangemills, Utah

Addresses of Intervenor:

Huntington City
Huntington, Utah 84528

Castle Valley Special Service District
Castle Dale, Utah 84513

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of May, 1980, I mailed a copy of the foregoing Intervenor's' Position Statement, Objecting to Approval of Co-Op Mining Permit, postage prepaid to Carl E. Kingston, 53 West Angelo Avenue, P.O. Box 15809, Salt Lake City, Utah 84115.

Patricia Radke
Secretary